

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 1591

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BROWN (Sponsor) AND HIGDON (Co-sponsor).

5409H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 563.031 and 571.111, RSMo, and to enact in lieu thereof two new sections relating to public safety, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 563.031 and 571.111, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 563.031 and 571.111, to read as follows:

563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use  
2 physical force upon another person when and to the extent he or she reasonably believes such  
3 force to be necessary to defend himself or herself or a third person from what he or she  
4 reasonably believes to be the use or imminent use of unlawful force by such other person, unless:

5 (1) The actor was the initial aggressor; except that in such case his or her use of force  
6 is nevertheless justifiable provided:

7 (a) He or she has withdrawn from the encounter and effectively communicated such  
8 withdrawal to such other person but the latter persists in continuing the incident by the use or  
9 threatened use of unlawful force; or

10 (b) He or she is a law enforcement officer and as such is an aggressor [pursuant to]  
11 **under** section 563.046; or

12 (c) The aggressor is justified under some other provision of this chapter or other  
13 provision of law;

14 (2) Under the circumstances as the actor reasonably believes them to be, the person  
15 whom he or she seeks to protect would not be justified in using such protective force;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (3) The actor was attempting to commit, committing, or escaping after the commission  
17 of a forcible felony.

18 2. A person may not use deadly force upon another person under the circumstances  
19 specified in subsection 1 of this section unless:

20 (1) He or she reasonably believes that such deadly force is necessary to protect himself,  
21 or herself or her unborn child, or another against death, serious physical injury, or any forcible  
22 felony;

23 (2) Such force is used against a person who unlawfully enters, remains after unlawfully  
24 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by  
25 such person; or

26 (3) Such force is used against a person who unlawfully enters, remains after unlawfully  
27 entering, or attempts to unlawfully enter private property that is owned or leased by an  
28 individual, **or is occupied by an individual who has been given specific authority by the**  
29 **property owner to occupy the property**, claiming a justification of using protective force under  
30 this section.

31 3. A person does not have a duty to retreat from a dwelling, residence, or vehicle where  
32 the person is not unlawfully entering or unlawfully remaining. A person does not have a duty  
33 to retreat from private property that is owned or leased by such individual **or if the individual**  
34 **has been given specific authority by the property owner to occupy the property.**

35 4. The justification afforded by this section extends to the use of physical restraint as  
36 protective force provided that the actor takes all reasonable measures to terminate the restraint  
37 as soon as it is reasonable to do so.

38 5. The defendant shall have the burden of injecting the issue of justification under this  
39 section. If a defendant asserts that his or her use of force is described under subdivision (2) of  
40 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable  
41 doubt that the defendant did not reasonably believe that the use of such force was necessary to  
42 defend against what he or she reasonably believed was the use or imminent use of unlawful  
43 force.

571.111. 1. An applicant for a concealed carry permit shall demonstrate knowledge of  
2 firearms safety training. This requirement shall be fully satisfied if the applicant for a concealed  
3 carry permit:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,  
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as  
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms  
8 safety course given by or under the supervision of any state, county, municipal, or federal law  
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer  
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance  
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections  
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms  
17 training course, approved by the director of the Missouri department of corrections under the  
18 authority granted to him or her, that includes instruction on the justifiable use of force as  
19 prescribed in chapter 563; or

20 (7) Submits a photocopy of a certificate of firearms safety training course completion  
21 that was issued on August 27, 2011, or earlier so long as the certificate met the requirements of  
22 subsection 2 of this section that were in effect on the date it was issued.

23 2. A certificate of firearms safety training course completion may be issued to any  
24 applicant by any qualified firearms safety instructor. On the certificate of course completion the  
25 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken  
26 and passed a firearms safety course of at least eight hours in length taught by the instructor that  
27 included:

28 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the  
29 firearm;

30 (2) A physical demonstration performed by the applicant that demonstrated his or her  
31 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or  
32 her marksmanship with both;

33 (3) The basic principles of marksmanship;

34 (4) Care and cleaning of concealable firearms;

35 (5) Safe storage of firearms at home;

36 (6) The requirements of this state for obtaining a concealed carry permit from the sheriff  
37 of the individual's county of residence;

38 (7) The laws relating to firearms as prescribed in this chapter;

39 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

40 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver  
41 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of twenty

42 rounds from each handgun at a distance of seven yards from a B-27 silhouette target or an  
43 equivalent target;

44 (10) A live fire test administered to the applicant while the instructor was present of  
45 twenty rounds from each handgun from a standing position or its equivalent at a distance from  
46 a B-27 silhouette target, or an equivalent target, of seven yards.

47 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant  
48 for a concealed carry permit who:

49 (1) Does not follow the orders of the qualified firearms instructor or cognizant range  
50 officer; or

51 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety  
52 instructor, poses a danger to the applicant or to others; or

53 (3) During the live fire testing portion of the course fails to hit the silhouette portion of  
54 the targets with at least fifteen rounds, with both handguns.

55 4. Qualified firearms safety instructors who provide firearms safety instruction to any  
56 person who applies for a concealed carry permit shall:

57 (1) Make the applicant's course records available upon request to the sheriff of the  
58 county in which the applicant resides;

59 (2) Maintain all course records on students for a period of no less than four years from  
60 course completion date; and

61 (3) Not have more than forty students **per qualified firearms safety instructor** in the  
62 classroom portion of the course or more than five students per range officer engaged in range  
63 firing.

64 5. A firearms safety instructor shall be considered to be a qualified firearms safety  
65 instructor by any sheriff issuing a concealed carry permit pursuant to sections 571.101 to 571.121  
66 if the instructor:

67 (1) Is a valid firearms safety instructor certified by the National Rifle Association  
68 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

69 (2) Submits a photocopy of a notarized certificate from a firearms safety instructor's  
70 course offered by a local, state, or federal governmental agency; or

71 (3) Submits a photocopy of a notarized certificate from a firearms safety instructor  
72 course approved by the department of public safety; or

73 (4) Has successfully completed a firearms safety instructor course given by or under the  
74 supervision of any state, county, municipal, or federal law enforcement agency; or

75 (5) Is a certified police officer firearms safety instructor.

76 6. Any firearms safety instructor qualified under subsection 5 of this section may submit  
77 a copy of a training instructor certificate, course outline bearing notarized signature of instructor,

78 and recent photograph of his or herself to the sheriff of the county in which he or she resides.  
79 Each sheriff shall collect an annual registration fee of ten dollars from each qualified instructor  
80 who chooses to submit such information and shall retain a database of qualified instructors. This  
81 information shall be a closed record except for access by any sheriff.

82 7. Any firearms safety instructor who knowingly provides any sheriff with any false  
83 information concerning an applicant's performance on any portion of the required training and  
84 qualification shall be guilty of a class C misdemeanor. A violation of the provisions of this  
85 section shall result in the person being prohibited from instructing concealed carry permit classes  
86 and issuing certificates.

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